

Richard M. Stephens  
STEPHENS & KLINGE LLP  
10900 NE 4<sup>th</sup> Street, Suite 2300  
Bellevue, WA 98004  
425-453-6206

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA

ENRIQUE JEVONS, as managing member of Jevons Properties LLC, FREYA K. BURSTALLER as trustee of the Freya K. Burgstaller Revocable Trust, JAY GLENN and KENDRA GLENN,

No. 1:20-CV-03182-SAB

Stipulated Motion to Set  
Supplemental Briefing Schedule and  
Page Limits

## Plaintiffs.

vs.

JAY INSLEE, in his official capacity as Governor of the State of Washington and ROBERT FERGUSON, in his official capacity of the Attorney General of the State of Washington,

## Defendants.

**STIPULATED MOTION**

Currently pending before the Court are the parties' Cross-Motions for Summary Judgment (ECF Nos. 22, 30). In light of the United States Supreme Court's June 23, 2021 decision in *Cedar Park Nursery v. Hassid*, \_\_\_ U.S. \_\_\_, 141 S.Ct. 2063 (2021), the parties agree that supplemental briefing regarding the impact of that case is warranted before the summary judgment hearing scheduled for August 5, 2021. *Cedar Park Nursery* addressed whether a state's access regulation constitutes a *per se* physical taking. Plaintiffs have a Takings claim that both parties have moved on.

The parties have conferred about a schedule for briefing the impact of this recent decision on the pending motions as well as appropriate brief lengths. The parties propose the following schedule:

Plaintiffs' Supplemental Brief due on July 15, 2021 and limited to 8 pages;

Defendants' Supplemental Brief due on July 22, 2021 and limited to 8 pages;

Plaintiffs' Supplemental Reply Brief due on July 29, 2021 and limited to 4 pages;

and

Defendants' Supplemental Reply Brief due on August 4, 2021 and limited to 4 pages.

The parties request that the Court enter the parties' stipulated briefing schedule with the page limits as provided above.

Respectfully submitted this 9th day of July, 2021.

STEPHENS & KLINGE

ROBERT W. FERGUSON  
Attorney General

/s/ Richard M. Stephens

s/ Cristina Sepe

Richard M. Stephens, WSBA #21776  
10900 NE 4<sup>th</sup> Street, Suite 2300  
Bellevue, WA 98004  
425-453-6206  
stephens@sklegal.pro

CRISTINA SEPE, WSBA #53609  
BRIAN H. ROWE, WSBA #56817  
Assistant Attorneys General  
JEFFREY T. EVEN, WSBA #20367  
Deputy Solicitor General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 474-7744  
cristina.sepe@atg.wa.gov  
brian.rowe@atg.wa.gov  
jeffrey.even@atg.wa.gov

*Attorney for Plaintiffs*

*Attorneys for Defendants*